



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

DIRECTOR'S REVIEW PROGRAM
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May 29, 2012

TO: Greg Davis, Council Representative
Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Martha Bauder v. Department of Social and Health Services (DSHS)
Allocation Review Request ALLO-11-031

On April 11, 2012, I conducted a Director's review telephone conference regarding the allocation of Martha Bauder's position. Both you and Ms. Bauder participated in the conference. Robert Swanson, Classification & Compensation Specialist, represented DSHS. In addition, Teresa Kutch, Division of Vocational Rehabilitation (DVR) Area 3 Manager, and Paul Vertrees, Vocational Rehabilitation Supervisor and Ms. Bauder's current supervisor, also participated in the conference.

Director's Determination

This position review was based on the work performed for the six-month period prior to June 8, 2011, the date Ms. Bauder submitted her request for a position review to DSHS's Human Resources Division (HRD). As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Ms. Bauder's assigned duties and responsibilities, I conclude her position is properly allocated to the Rehabilitation Technician 1 (RT 1) classification.

Background

Ms. Bauder works in the Division of Vocational Rehabilitation (DVR) Area 3. At the time relevant to this review, she had primarily been assigned to the WorkSource office in Spokane, but had also worked in the main Spokane office, an outstation at Spokane Community College, and the Colville office. On May 20, 2011, Ms. Bauder completed and signed a Position Review Request (PRR) form, asking that her Rehabilitation Technician 1 (RT 1) position be reallocated to the Rehabilitation Technician 2 (RT 2) classification. Ms. Bauder's supervisor at the time, Vocational Rehabilitation Supervisor Dudley Bowers, also signed the PRR on May 20, 2011, indicating the information on the PRR was accurate and complete. However, on June 7, 2011,

DVR Area Manager Teresa Kutch, wrote a memo as an attachment to the PRR, stating her disagreement with the duties and responsibilities described on the PRR.

On June 8, 2011, DSHS's Classification and Compensation Unit received Ms. Bauder's PRR. After reviewing the PRR, Ms. Kutch's response to the PRR, and the current Position Description Form (PDF) on file for Ms. Bauder's position from January 2010, Classification & Compensation Specialist Robert Swanson determined Ms. Bauder's position was properly allocated to the RT 1 job class.

On July 25, 2011, the Department of Personnel received Ms. Bauder's request for a Director's review of DSHS's allocation determination.

Summary of Ms. Bauder's Perspective

Ms. Bauder asserts she works with DVR customers as the first point of contact and that she manages the intake caseload until given to a Vocational Rehabilitation Counselor (VRC) to determine eligibility. As part of intake, Ms. Bauder states that she gathers information about the customer and the customer's disability and has the customer sign a consent form for records and/or schedules an exam and other appointments as needed. Ms. Bauder asserts she goes through all of the paperwork with customers and provides guidance about the process. Ms. Bauder asserts she prepares all records, makes recommendations to the VRCs and enters information into the vocational assessment and eligibility screens in the STARS database. Ms. Bauder acknowledges she does not actually "hit the send button" but contends the VRCs trust her judgment in preparing information up to that point. Ms. Bauder further asserts that she backs up the VRC 3 and VR Supervisor when they are away from the office and that they trust her judgment to independently make decisions. She also asserts she has assisted customers with job development and job placement. As a result, Ms. Bauder contends she manages the customer caseload alongside the VRC 3 in the office. In addition, Ms. Bauder states she has trained VRC staff and other RT positions on the intake process and all functions of the DVR office. Therefore, Ms. Bauder asserts the duties and responsibilities assigned to her position reach the RT 2 level.

Summary of DSHS's Reasoning

DSHS acknowledges Ms. Bauder does an outstanding job providing support to the VRC 3 and the VRC 3's caseload. Further, DSHS recognizes the excellent service Ms. Bauder provides to customers and notes how well she collaborates with the VRC 3 in WorkSource. However, DSHS contends Ms. Bauder's position has not been assigned responsibility for a small caseload as required by the RT 2 job class. Instead, DSHS asserts Ms. Bauder has been assigned duties that provide general orientation to DVR programs and services, which includes meeting with customers to complete the application process and assisting VRCs in collecting information and documentation to determine client eligibility. In addition, DSHS contends that case narratives written by Ms. Bauder further support work performed at the RT 1 level. Overall, DSHS contends the duties and responsibilities assigned to Ms. Bauder's position fit the RT 1 job class.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the

volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

In summary, both the Position Description Form (PDF) (Exhibit B-4) and the Position Review Request (PRR) (Exhibit B-1) describe the purpose of Ms. Bauder's position as providing paraprofessional and technical support to Vocational Rehabilitation Counselors and/or other professional vocational rehabilitation staff. In addition, both documents describe the duty to interact with DVR customers, specifically individuals with disabilities, including severe disabilities.

On the PDF, the majority of duties described include the following:

- Conducting interviews with potential customers to explain VR programs and collecting information to be used in eligibility determination and processing application information.
- Assisting VRC in collecting diagnostic information used in determining eligibility.
- Assisting VRC in monitoring customer progress towards achieving the employment goal.
- Assisting VRC and customers in gathering information needed to develop the Individual Plan for Employment, including assistance in contacting and selecting vendors.
- Registering vendors providing goods and services to DVR customers and preparing/processing Authorization for Purchase (AFP) or issuing payments.
- Preparing correspondence to customers, vendors, and others.
- Maintaining electronic and paper case files.

During the Director's review conference, Ms. Bauder generally agreed with the above description of duties but asserted her position not only assists DVR customers but also performs direct services for these individuals. On the PRR, Ms. Bauder emphasized that she provides "direct assistance to individuals with severe disabilities" (Exhibit B-1). In addition, Ms. Bauder stated on the PRR that her position is required to "assist in all aspects of the vocational rehabilitation process, providing guidance and counseling, case management, motivational interviewing, documentation of eligibility, and vocational assessment in STARS. . ." Further, Ms. Bauder indicated her position is required to "manage a customer case load from intake through eligibility." She also noted that she covers the office "in the absence of the Vocational Rehabilitation Counselor and Vocational Rehabilitation Supervisor." On the PRR, Ms. Bauder described these duties as the majority of her work (60%) (Exhibit B-1, pages 4 & 5):

- Direct guidance, counseling of DVR customers via orientation, intake, phone, face to face, workstrides, employment updates, and any/all other customer contact using motivational interviewing techniques.
- Carry a caseload of a minimum of 5 customers to a maximum of 15 customers from orientation and intake to eligibility.
- Make recommendations regarding eligibility, vocational assessment, job goals and all other vocational rehabilitation needs.
- Meet with customers to assess progress and provide needed guidance regarding training and employment.

- Document vocational assessment information by inputting data into the Vocational Assessment screen in STARS.
- Draft eligibility statements and input the information in to the STARS eligibility screen.

Ms. Bauder's supervisor at the time of the request, Dudley Bowers, indicated that Ms. Bauder's description of work was "accurate to [his] knowledge" (Exhibit B-1 page 8). However, DVR Area Manager Teresa Kutch disagreed with Ms. Bauder's characterization of her duties and responsibilities, and she stated the majority of duties Ms. Bauder performs on a daily basis are consistent with the RT 1 classification (Exhibit B-2).

In her response, Ms. Kutch wrote, "[Ms. Bauder] is not performing the duties of a Rehabilitation Technician 2, and I specifically disagree that she is performing the following duties . . .". Specifically, Ms. Kutch disagreed that Ms. Bauder provided counseling and guidance; managed a caseload; developed eligibility statements; completed vocational assessments; acted as the back-up for a counselor or supervisor; or developed jobs, internships, or on-the-job training opportunities for DVR customers. Ms. Kutch, however, recognized Ms. Bauder handles a high volume of work, provides excellent customer service, and "does an outstanding job of providing support to the Vocational Rehabilitation Counselor and caseload" (Exhibit B-2).

During and after the Director's review conference, I asked the parties to clarify guidance and counseling, caseload management, and vocational assessment (Exhibits D-2 and D-3).

Guidance and Counseling

Both Ms. Bauder and Ms. Kutch agreed that counseling is handled by Vocational Rehabilitation Counselors (VRCs), further emphasized in the DVR manual (Exhibit A-10). Ms. Bauder indicated that she provides guidance to DVR customers. Ms. Kutch clarified that all DVR staff provide guidance to customers, and she broadly described guidance as providing a variety of information to customers or helping point them in different directions, depending on specific customer needs. Therefore, Ms. Kutch agreed Ms. Bauder provides some level of guidance to customers but has not been assigned counseling responsibilities.

Caseload Management

While Ms. Bauder agreed her name does not appear in the STARS case management system, she asserted she does manage a caseload along with the VRC and that she backs up the VRC as needed. Ms. Bauder stated that she enters information into the system for the VRC, who then has the ability to review and change information before submitting. This is further described in a memo from Candace Spitzer, VRC Lead Counselor, who indicated Ms. Bauder "documents the information she receives during both intake and pre-eligibility in both the vocational assessment screen and the eligibility screen" (Exhibit A-8). Ms. Kutch viewed this description of work as further support of RT 1 level work. Both Ms. Kutch and Ms. Bauder agreed the VRC has the ability to review and change items entered by Ms. Bauder.

Vocational Assessment

Ms. Kutch explained that completing a vocational assessment is very different from transferring information from reports and documents. She further indicated that a vocational assessment requires a thorough understanding of disability and the impacts on vocational goals, which facilitate a plan that allows a person with a disability to successfully adjust to work. These

duties are handled by VRCs. Ms. Kutch also described Ms. Spitzer's letter as further support that Ms. Bauder partners with her (VRC 3 Candace Spitzer) "to create a more efficient process" (Exhibit D-2). Ms. Bauder acknowledged she does not determine eligibility but stated she drafts eligibility statements, which Ms. Bauder considers RT 2 level work (Exhibit D-3).

It is undisputed Ms. Bauder's supervisor at the time, Mr. Bowers, supported her reallocation request. However, Ms. Kutch clarified the purpose of her meeting with Mr. Bowers on May 19, 2011, included discussions other than Ms. Bauder's reallocation request. In addition, Ms. Kutch clarified that she asked Mr. Bowers to provide her with a copy of Ms. Bauder's PDF (management's form for documenting assigned duties and responsibilities), not the PRR form Ms. Bauder used to request a position review (Exhibit A-9). Further, Ms. Kutch indicated there had been misperceptions about work assigned to other positions in DVR (Exhibit D-2).

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

The **Rehabilitation Technician 2 (RT 2)** definition states the following:

Within the Department of Social and Health Services, Division of Vocational Rehabilitation, or the Department of Services for the Blind, provides direct assistance to individuals with severe disabilities. Provides guidance and case management for a small caseload, and makes recommendations regarding eligibility and vocational rehabilitation needs of individuals with disabilities.

The distinguishing characteristics specifically state "[the RT 2] class is distinguished from the Rehabilitation Technician 1 by limited case management responsibilities. Further distinguishing characteristics are described as follows:

Under close supervision and approval of a vocational rehabilitation counselor or supervisory staff, makes recommendations regarding eligibility and vocational rehabilitation needs; develops individual plans for employment; meets with clients to assess progress and provide needed guidance; and prepares case closure reports. Cases are pre-screened by the supervisor and are limited in number. Because this is a bridge class to the Vocational Rehabilitation Counselor series, employees receive extensive on-the-job and structured training.

Although examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. The RT 2 typical work statements also identify duties that include carrying a small caseload of vocational rehabilitation clients; developing eligibility statements and vocational rehabilitation plans; completing vocational assessments; identifying vocational goals and objectives; assessing client's progress throughout the rehabilitation process; and job development, job placement and job retention services.

Ms. Bauder initially meets with customers during the intake process and provides guidance and assistance to customers to help them navigate the process. In addition, she collects information and coordinates all paperwork to ensure records are complete and the appropriate information

is entered into the system. She also assists the VRC 3 by drafting eligibility statements and helping to prepare case information for the VRC 3's review and approval. It is clear Ms. Bauder is very knowledgeable about DVR processes, and she assists customers and VRCs to ensure successful vocational rehabilitation for customers, including job goals, training, and employment. While some of Ms. Bauder's duties reach aspects of the RT 2 job class, her position has not fully been assigned RT 2 level responsibilities, and she has not been assigned a small caseload, as required by the RT 2 definition and distinguishing characteristics. Therefore, the RT 2 class is not the appropriate allocation for her position.

The **Rehabilitation Technician 1 (RT 1)** definition states the position "[p]rovides paraprofessional and technical support to Vocational Rehabilitation Counselors and/or other professional vocational rehabilitation staff."

The RT 1 distinguishing characteristics have been described as follows:

Under general supervision, positions provide assistance performing a full-range of functions to vocational rehabilitation counselors and supervisors in areas such as direct customer services and client orientations, eligibility preparation, and monitoring service delivery plans, and monitor client participation and follow-through. Incumbents use independent judgment in resolving technical issues and interpreting or applying vocational rehabilitation policies and procedures.

Both the RT 1 and RT 2 job classes identify work supporting VRCs and DVR customers. The RT 2 class has slightly more responsibility with the added distinction to manage a small caseload, which has not been assigned to Ms. Bauder's position. When comparing Ms. Bauder's duties to the RT 1 job class, she does perform a full-range of functions to assist vocational rehabilitation counselors (VRCs) and supervisors. Further, she performs direct customer service to DVR customers, orientations, eligibility preparation, and she monitors customer progress toward reaching vocational rehabilitation goals. While performing these duties, Ms. Bauder exercises independent judgment, and she interprets and applies vocational rehabilitation policies and procedures. It is clear the VRC 3 and VR Supervisor trust Ms. Bauder to make procedural decisions in their absences, and she backs up the office as needed. However, the total scope of work and level of responsibility assigned to Ms. Bauder's position fit within the RT 1 job class.

In addition, the RT 1 typical work examples that most align with Ms. Bauder's duties and responsibilities include the following:

- Assists counseling staff in making practical application of counseling techniques to assist recipients;
- Conducts individual and group interviews;
- Assists in making recommendations or suggestions on treatment, training, and release of an individual from, or admittance to, an appropriate program;
- Performs personal history investigations of assigned individuals through contact with other social and health service agencies, law enforcement agencies, families, teachers, and former employers;

- Prepares, reviews, and submits written and oral reports;
- Assists eligible customers in developing and implementing the Individual Plan for Employment (IPE);
- Assists in collecting diagnostic information to be used in determining eligibility;
- Assists with monitoring customer progress towards achieving employment goals;
- Prepares and processes authorization for purchase of customer goods and services or issues payments for the same;
- Maintains records;
- Makes administrative arrangements for medical, psychiatric and psychological services, academic or vocational training, civilian employment, or military enlistment.

Therefore, the Rehabilitation Technician 1 (RT 1) classification best describes the overall duties and responsibilities assigned to Ms. Bauder's position.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

c: Martha Bauder
Robert Swanson, DSHS
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

MARTHA BAUDER v DSHS
ALLO-11-030

A. Martha Bauder Exhibits

1. Director's Review request form received July 25, 2011 (2 pages)
2. DSHS allocation determination letter dated June 30, 2011 (5 pages)
3. PDP Phase 1 2011 (not complete) 10/1/2010 -9/30/2011 (3 pages)
4. PDP Phase 1:Planning 10/1/2009-9/30/2010 (2 pages)
5. PDP Phase 2:Assessment 10/1/2008-9/30/2009 (3 pages)
6. PDP Phase 1:Planning 10/1/2008-9/30/2009 (2 pages)
7. PDP Phase 1:Assessment 10/1/2007-9/30/2008 (4 pages)
8. August 24, 2011 letter from Candace Spitzer, MSW, Vocational Assessment Screen and Eligibilities (1 page)
9. Statement of events on May 19, 2011 by Dudley Bowers, signed and dated June 15, 2011 (1 page)
10. Counseling and Guidance, DVR Customer Service Manual (2 pages)
11. PDP Part A: Planning 10/1/2011-9/30/2012 and Part B: Review for 10/1/2010-11/2/2011 (6 pages)
12. PDP Part A: Planning 10/1/2011-9/30/2012 (No name or signatures on this form) (3 pages)

B. DSHS Exhibits

1. June 2011 Position Review Request from Martha Bauder (9 pages)
2. Memo from Teresa Kutsch, DVR Area Manager disagreeing with PRR (3 pages)
3. DSHS allocation determination letter dated June 30, 2011 (5 pages)
4. Position Description Form January 2010 (5 pages)
5. Vocational Rehab Spokane Organizational Chart (1 page)
6. Area 3 Organizational Chart (1 page)
7. January 26, 2011 email chain between Teresa Kutch, Dudley Bowers, and Martha Bauder regarding in-training (referenced in Teresa Kutch's memo attached to the PRR – exhibit B-2 above)

C. Class Specifications

1. Rehabilitation Technician 1 (344E)
2. Rehabilitation Technician 2 (344F)

D. Director's Exhibits (After Director's Review Conference)

1. April 12, 2012 email from Teresa Parsons to parties asking clarifying questions and correcting misunderstanding about a document inadvertently submitted by WFSE.
2. April 17, 2012 memo from Teresa Kutch (via email) responding to questions in Teresa Parsons' April 12, 2012 email (above).
3. April 26, 2012 email from Martha Bauder responding to questions in Teresa Parsons' April 12, 2012 email (above) and final summary.